



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Concluding observations on the combined third and fourth periodic reports of Uzbekistan, adopted by the Committee at its sixty-third session (27 May-14 June 2013)**

1. The Committee considered the consolidated third and fourth periodic reports of Uzbekistan (CRC/C/UZB/3-4) at its 1798th and 1799th meetings (see CRC/C/SR.1798 and 1799), held on 4 and 5 June 2013, and adopted, at its 1815th meeting, held on 14 June 2013, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the consolidated third and fourth periodic reports of the State party (CRC/C/UZB/3-4) and the written replies to its list of issues (CRC/C/UZB/Q/3-4/Add.1), which allowed a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

#### **II. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the adoption of the following legislative measures:

- (a) The Law on "The Bodies of Guardianship" in October 2011;
- (b) The Law on "Prevention of Child Neglect and Juvenile Delinquency" in September 2010; and,
- (c) The Law on "Guarantees of the Rights of the Child" in January 2008.

4. The Committee welcomes the ratification of:

- (a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in December 2008;
- (b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in December 2008;
- (c) The 2003 World Health Organization Framework Convention on Tobacco Control in August 2012;

(d) International Labour Organization Convention (ILO) No. 138 on the Minimum Age for Admission to Employment in March 2009;

(e) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in December 2008; and,

(f) ILO Convention No. 182 (1999) on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in June 2008.

5. The Committee welcomes the following policy and institutional measures:

(a) The establishment of a Department for Information and Analyses, and a Department for Culture, Education, Health and Social Protection under the Executive Office of the Cabinet of Ministers of the Republic of Uzbekistan in 2012;

(b) The establishment of an Interagency Working Group to monitor the observance of the rights and freedoms by law enforcement bodies and other government agencies in 2012; and,

(c) The establishment of a General Directorate for Monitoring of legislation observance in the Ministry of Justice of the Republic of Uzbekistan in 2011.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

6. The Committee, while welcoming the State party's efforts to implement the Committee's concluding observations of 2006 on the State party's second report (CRC/C/UZB/CO/2), notes with regret that many of the recommendations contained therein have not been fully addressed.

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations (CRC/C/UZB/CO/2) that have not been implemented or sufficiently implemented, and in particular recommends that the State party:**

**(a) Establish a body at the interministerial level or entrust an existing body within its administration with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention, and to provide it with the necessary human, technical and financial resources;**

**(b) Further improve its data collection system to provide regular and independently verifiable data that is cross-comparable, and to analyse the data collected as a basis for assessing progress achieved in the realization of child rights and for designing policies and programmes to implement the Convention; the data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background to facilitate analysis of the situation of all children, particularly with regard to all forms of child labour, with particular attention to the cotton industry, children with disabilities, children from ethnic minorities, quality of teaching and learning outcomes, school attendance, quality of maternal and child health services, HIV rates, adolescent needs, and the impact of social protection; in doing so, the State party is encouraged to seek technical assistance and support from the United Nations Children's Fund (United Nations Children's Fund);**

(c) Strengthen the role of the Office of the Ombudsman in accordance with the Paris Principles (General Assembly resolution 48/134, annex), taking into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, and provide the Office of the Ombudsman with adequate human and financial resources; and, further strengthen the expertise of the Office in dealing with complaints submitted by or on behalf of children; ensure that the procedures for dealing with these complaints are child-sensitive and easily accessible; and further pursue the establishment of a Children's Ombudsman as provided for in the State party's law on the Guarantees of the Rights of the Child;

(d) Develop, at both the national and local levels, a systematic training programme on the principles and provisions of the Convention that is addressed to all professionals working with and/or for children, in particular teachers, judges, parliamentarians, law-enforcement officials, civil servants, local administrative workers, local authorities, Mahallas, health personnel, including psychologists and social workers, and personnel working in relevant institutions;

(e) Expeditiously raise the minimum age of marriage to 18 years for girls, and ensure full compliance therewith throughout the country, including in rural and remote areas;

(f) Increase its efforts to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds, including by considering targeted programmes for addressing discrimination against girls and children in vulnerable situations such as refugees, asylum-seekers, internally displaced children, children with disabilities, abandoned children, children from ethnic minorities and those living in institutions and in regions with socio-economic development problems; undertake measures to ensure that the existing compulsory residence registration system (propiska) does not limit the rights and freedoms of children; and, provide specific information in its next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 (2001) on the aims of education;

(g) Conduct effective public-awareness campaigns and adopt measures to provide information and guidance to parents and counselling with a view to, inter alia, preventing violence against children; conduct systematic training and awareness campaigns at the national and local level addressed to all professionals working with and/or for children, as well as the Mahallas, on the prevention of ill-treatment and neglect of children within the family, in schools and in institutions; establish an effective system for the reporting of child abuse and neglect and provide training for professionals working with and/or children on how to receive, monitor and investigate complaints in a child-sensitive manner, and how to bring the perpetrators to justice; provide systemic awareness raising and support services for parents and children to prevent family-based violence and complaint mechanism for children to seek help if needed; and, ensure access to counselling for all victims of violence as well as assistance for their recovery and social reintegration; and

(h) Establish a comprehensive national policy and guidelines governing adoption in order to ensure that domestic and inter-country adoption is performed in full compliance with the best interests of the child and the appropriate legal guarantees in accordance with the Convention; ensure that adopted children at the appropriate age have the right to access information on the identity of their biological parents and to be prepared for this; and, strengthen its monitoring of inter-country

**adoptions, in particular by ratifying and implementing the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

#### **Legislation**

8. While noting that the Preamble to the State party's Constitution makes reference to the status of international agreements, the Committee regrets that the main body of the State party's Constitution and the Law on "Normative Legal Acts" do not explicitly refer to the Convention as a source of law. Furthermore, the Committee is concerned that the Convention is not directly applicable by courts or cited in court judgements.

**9. The Committee recommends that the State party ensure the full incorporation of the principles and provisions of the Convention and its Optional Protocols into domestic legislation to further strengthen children's rights and provide clear guidelines for the consistent and direct application of the provisions of the Convention and its Optional Protocols.**

#### **Comprehensive policy and strategy**

10. The Committee welcomes the State party's development of its National Plan of Action for Child Well-being, which aims to increase the Government's capacity to implement the Convention, and the establishment of the National Inter-sectorial Working Group (IWG) for Child Well-being to oversee the implementation and monitoring of the Convention. While noting that the Karakalpakstan, Khorezm and Bukhara regions have developed Regional Plans of Action for Child Wellbeing, the Committee is concerned that these have not yet been adopted. This reduces effectiveness in implementing the Convention in a manner that responds to specific local needs, especially in rural areas with greater needs and vulnerabilities.

**11. The Committee recommends that the State party develop and implement a comprehensive policy and an implementation strategy, in addition to adopting regional plans, and ensure that they are responsive to specific needs at a local level. This should be integrated with all other sectorial and regional plans of action relating to children, with particular attention to ensuring effective implementation in rural areas. The Committee urges the State party to provide all the necessary human, technical and financial resources for effective implementation of the comprehensive policy and strategy and ensure regular, broad and transparent consultations, including with civil society, to assess the effectiveness of their implementation.**

#### **Allocation of resources**

12. The Committee notes as positive the high proportion of budgetary allocations for the social sector. However, the Committee is concerned that:

(a) Current mechanisms and procedures for the allocation of resources for implementing the Convention do not adequately take into account specific local needs;

(b) The reduction in financing of the social protection programmes for low-income families with children has resulted in a substantial decline in the number of households receiving support and a resulting increase in the number of children being placed in out-of-home care;

(c) There are inadequate resources allocated to non-wage expenditures of educational and health-care institutions such as utilities, maintenance of facilities and other necessary consumables; and,

(d) There are no adequate monitoring mechanisms to assess the effectiveness of resources allocated for children's rights.

13. **The Committee recommends that the State party undertake concrete measures to improve the effectiveness of its allocation of resources for the implementation of the Convention, including by:**

(a) **Considering decentralizing decisions on resource allocations to enhance responsiveness to specific needs at local level;**

(b) **Increasing the resources allocated to social protection measures, particularly for low-income families;**

(c) **Ensuring that adequate resources are allocated for utilities, maintenance and consumables, particularly in relation to health and education facilities; and,**

(d) **Developing a monitoring and evaluation system with a children's rights perspective, including both coverage and quality indicators for assessing and tracking the impact of resource allocations on children's rights.**

### **Corruption**

14. The Committee notes as positive the fact that the State party joined the Istanbul Anti-Corruption Action Plan of the Anti-Corruption Network for Eastern Europe and Central Asia in March 2010 and the establishment of a Working Group to develop a bill to combat corruption. However, the Committee remains gravely concerned about the severity and pervasiveness of corruption in the State party, particularly regarding birth registration and the issuance of birth certificates, access to health care and education, which constitutes a serious obstacle to the effective use of the State party's resources and the implementation of the Convention. Furthermore, the Committee is concerned that current sanctions against perpetrators of corruption are insufficient.

15. **The Committee urges the State party to expeditiously further strengthen its mechanisms to transparently monitor corruption at all levels and in all sectors, and improve the awareness of and accessibility to safe channels for reporting it. The Committee recommends that in the context of corruption in the areas of birth registration and birth certificates, health care and education, the State party consider measures for ensuring that information on its anti-corruption hotline is clearly visible at places where persons may seek such services. The Committee also recommends that the State party consider further strengthening its enforcement laws and mechanisms with a view to ensuring the prompt punishment of perpetrators of corruption with commensurate sanctions.**

### **Dissemination and awareness-raising**

16. The Committee welcomes the State party's efforts such as the establishment of the Child Rights Resource Centre in parliament and the widespread distribution of information pamphlets to raise awareness on the provisions of the Convention. However, the Committee is concerned that awareness of the Convention still remains limited among children and the public at large.

17. **The Committee recommends that the State party include mandatory modules on human rights and the Convention in its school curriculum and training of teachers. Furthermore, the Committee recommends that the State party increase awareness-raising programmes, including child-friendly campaigns, on the Convention. In doing so, the State party is encouraged to seek media engagement and ensure respect for freedom of expression, in particular through greater use of the press, radio, television,**

**the Internet and other media, and the active involvement of children in public outreach activities.**

#### **Cooperation with civil society**

18. The Committee notes the positive steps taken by the State party to expand governmental consultation with civil society, including its ongoing deliberations on new legislation aiming to improve the operational environment for civil society organizations. However, the Committee remains concerned that freedom of association continues to be severely constrained, including for such organizations. Furthermore, the Committee is concerned that the current system of government registration and authorization for children's rights civil society organizations results in the majority of such organizations compromising their independence, inter alia, in financial and policy terms.

19. **The Committee urges the State party to take concrete steps to give legitimate and transparent recognition to human rights defenders and their work, to build a climate of trust and cooperation with civil society, and to systematically involve communities as well as civil society, including non-governmental organizations and children's rights organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to child rights. In particular, the State party is strongly urged to review its legislation on requiring mandatory registration of civil society organizations and its regime of sanctions against so-called "illegal" civil society actors and organizations. Furthermore, the State party is urged to undertake measures including removing restrictions on sources of funding for civil society organizations, to foster their independence.**

#### **Child rights and the business sector**

20. The Committee appreciates the explanation provided during the interactive dialogue on existing efforts taken by the State party. However, the Committee is concerned about the lack of a comprehensive normative and legal framework for ensuring that children's rights are not negatively affected by business sector activities.

21. **The Committee draws the State party's attention to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to child rights, and in the light of Human Rights Council resolutions 8/7 of 18 June 2008 (para. 4 (d)) and 17/4 of 16 June 2011 (para. 6 (f)). In particular, it recommends that the State party:**

(a) **Establish a clear regulatory framework for the industries operating in the State party to ensure that their activities do not negatively affect human rights or endanger environmental and other standards, especially those relating to children's and women's rights;**

(b) **Ensure effective implementation by companies, especially industrial companies, of international and national environment and health standards, effective monitoring of implementation of these standards and appropriately sanctioning and providing remedies when violations occur, as well as ensure that appropriate international certification is sought;**

(c) **Require companies to undertake assessments, consultations, and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts;**

**(d) Be guided by the United Nations “Protect, Respect and Remedy” Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.**

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Best interests of the child**

22. The Committee is concerned about the inadequate incorporation of the right of the child to have his or her interests taken as a primary consideration in the national legislation of the State party which refers only to “legitimate interests of the child” or “interests of the child”. With the absence of explicit references to the principle of the best interests of the child, the Committee is concerned that the right of the child to have his or her interests taken as a primary consideration is not adequately fulfilled.

23. **The Committee draws the State party’s attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) and recommends that the State party explicitly stipulate the principle of the best interests of the child in its legislation. The Committee also recommends that the State party strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. Furthermore, the State party is encouraged to develop criteria to provide guidance for determining the best interests of the child in every area, and to disseminate this to the public, including social welfare institutions, courts of law, administrative authorities and legislative bodies.**

### **Right to life, survival and development**

24. The Committee is concerned that the State party’s definition of a live birth is not consistent with the internationally recognized World Health Organization definition, thus hindering an objective assessment of the actual rates of neo-natal infant mortality and the effective implementation of approaches for addressing it.

25. **The Committee urges the State party to adopt a definition of live birth which corresponds to the World Health Organization definition and use the data collected in accordance with this definition as a basis for assessing the root causes and for determining the extent of neonatal and infant mortality. This should include identifying necessary interventions such as maternal care, access to emergency obstetric care and trained care at delivery, as well as baby friendly hospitals, where mothers are kept together with their newborns and ensure that parents are provided with all the necessary information on their children’s developmental needs, including breastfeeding.**

### **Respect for the views of the child**

26. The Committee welcomes the establishment of Children’s Parliaments and notes that the right of the child to be heard is provided for in the recently enacted State party Law on the Guarantees of the Rights of the Child. However, the Committee regrets that the State party’s interpretation of this right “does not ensure the freedom of expression as it is understood by the International Standards” as mentioned in the State party’s response to the Committee’s list of issues to it (CRC/C/UZB/Q/3-4/Add.1, response to question 6 on page 9). In addition, the Committee remains concerned that the State party has legislation stating that children’s freedom to have and express opinions may be limited by law. Furthermore,

the Committee remains concerned that, in practice, traditional societal attitudes towards children continue to limit respect for their views, within the family, schools, other institutions and society at large.

27. **The Committee draws the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard and recommends that the State party take measures to align its policy and legislation on the right of the child to be heard with article 12 of the Convention. In doing so, it recommends that the State party take measures to ensure the effective implementation of legislation recognizing the rights of all children, with special focus on children in vulnerable situations, to express their views in relevant legal proceedings and on all public policy affecting them, including by considering establishing systems and/or procedures to allow children to fully exercise this right and change social attitudes that perceive children as passive subjects of adult decision-making.**

### **C. Civil rights and freedom (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Birth registration**

28. While noting the State party delegation's assurances that birth registration is universal, the Committee remains concerned at the existence of fees for the issuance of birth certificates, which hinders the birth registration of children, especially those in socio-economically disadvantaged, refugee and/or other situations of vulnerability. Furthermore, the Committee is concerned at reports of there being discrepancies between the numbers of newborn babies and birth certificates issued.

29. **The Committee urges the State party to take all necessary measures to ensure that children are registered immediately after birth, that the national legislation regulating birth registration is in accordance with the provisions of article 7 of the Convention, and that birth registration and issuance of birth certificates are free of charge. The Committee also urges the State party to establish a mechanism for its Ministry of Health and Ministry of Justice to systematically cross-check its records to identify and address discrepancies in birth registrations in a manner that is compliant with the Convention and does not prejudice the rights of the children affected.**

#### **Freedom of expression**

30. The Committee is concerned about the limitations on children's freedom of expression. In particular, the Committee is concerned that the "Ethical Rules for Higher Educational Establishments" issued by the Ministry of Higher and Special Secondary Education prohibit students from publishing materials that are critical of schools or do not "correspond to national values". The Committee is also concerned that the recently enacted Law on Information Security of Minors does not have adequate safeguards for the freedom of expression.

31. **The Committee recommends that the State party undertake measures for ensuring the full enjoyment of the freedom of expression by children by amending its legislation to remove the obstacles to this right and by establishing mechanisms for ensuring the effective exercise of this right. The Committee further recommends that the State party take all necessary measures to remove other obstacles in the procedures and facilitate the process to ensure that children are able to fully exercise their right in accordance with the Convention.**

### **Freedom of thought, conscience and religion**

32. The Committee notes that article 31 of the State party Constitution enshrines the right to freedom of thought, conscience and religion. However, the Committee is concerned that, in practice, only mainstream religions are permitted, such as approved Muslim, Jewish, and Christian denominations, while unregistered religious activities, which are frequently those of minorities, are subject to criminal and/or administrative sanctions resulting in a curtailment of the right of the child to freedom of thought, conscience and religion.

**33. The Committee recommends that the State party ensure the right of all children to freedom of religion and the full respect of the rights and duties of parents to give guidance to their children in the exercise of this right in a manner consistent with the evolving capacities of the child.**

### **Protection of privacy**

34. The Committee is concerned at children's privacy being insufficiently respected, and in particular at the absence of privacy of personal effects and correspondence of children in alternative care and juvenile justice facilities.

**35. The Committee recommends that the State party take every necessary measure to safeguard respect for children's privacy and, in doing so, facilitate the promotion of children as individuals and subjects of rights, including by ensuring that children living outside the family environment are guaranteed adequate privacy for their personal effects and correspondence.**

### **Access to appropriate information**

36. The Committee is concerned that children in the State party do not have adequate access to information and materials from diverse national and international sources, including the internet, which are necessary for the child's development.

**37. The Committee recommends that the State party consider reviewing its measures on media and information regulation with a view to ensuring access to information and material from a diversity of national and international sources, including the internet. In doing so, the State party should establish a clear legislative definition of what it considers to be "alien to the way of life and mentality of Uzbek people" and ensure that any curtailments of information flow is based on objective criteria that are in accordance with international standards on freedom of expression.**

## **D. Violence against children (articles 19, 37 (a) and 39 of the Convention)**

### **Torture and other cruel or degrading treatment or punishment**

38. While welcoming the implementation of a national programme of action for the application of the Convention against Torture, the Committee regrets that the definition of torture in Article 235 of the State party Penal Code does not fully comply with the definition stipulated in the Convention against Torture as stated by the Committee against Torture in its latest concluding observations on the State party (CAT/C/UZB/CO/3, para. 5.). Furthermore, the Committee remains gravely concerned about continued reports of torture and ill-treatment being routinely used in investigations, including of persons under the age of 18 years. The Committee is also deeply concerned about the use of solitary cells ("*kartcers*") as punishment in juvenile prisons. Furthermore, the Committee is seriously concerned about the frequent use of forced labour as a form of punishment for children in government institutions such as schools and orphanages.

39. With reference to the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment as well as general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to:

(a) Further strengthen its measures to effectively investigate the allegations of torture and ill-treatment of persons under 18, and take all measures to bring the alleged perpetrators to justice with commensurate sanctions;

(b) Ensure that the conditions and treatment of children in juvenile prisons are in full compliance with the Convention and the United Nations Rules on the Protection of Juveniles Deprived of their Liberty (A/RES/45/113), including by ceasing the use of solitary cells ("kartcers"); and,

(c) Prohibit, by law, the use of forced labour as a form of punishment for children in government institutions such as schools and orphanages.

#### **Corporal punishment**

40. While noting the statement regarding the prohibition of corporal punishment in all settings made by the State party during the interactive dialogue with it, the Committee is concerned that, in practice, corporal punishment continues to occur frequently in the domestic context and in alternative care settings.

41. With reference to the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment, the Committee urges the State party to:

(a) Ensure that its legislation explicitly prohibits corporal punishment in all settings, including in the home and alternative care, and establish monitoring and reporting mechanisms to enforce such a prohibition;

(b) Undertake targeted awareness-raising, including campaigns, to promote positive, non-violent and participatory forms of child-rearing and discipline instead of corporal punishment; and,

(c) Conduct research to learn about the public opinion and attitudes of professionals, parents and children on corporal punishment in order to better target awareness-raising and training programmes, and ensure that positive parenting and non-violent communication become well-known.

#### **Freedom of the child from all forms of violence**

42. Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13, and in particular:

(a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;

(b) Adopt a national coordinating framework to address all forms of violence against children;

(c) Pay particular attention to and address the gender dimension of violence;

(d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

### Helplines

43. The Committee is concerned that the State party does not have a helpline for children and professionals working with and/or for children on issues relating to the Convention or offences under its Optional Protocols.

44. **The Committee recommends that the State party establish a national helpline for children and professionals working with and/or for children on the Convention and its Optional Protocols, and ensure that it covers the whole country, has an internet division/department, is accessible 24 hours a day, and has an easy-to-remember 3-4 digit number. In doing so, the State party should ensure adequate human, technical and financial resources for the helpline to be responsive to children and undertake appropriate action.**

## E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

### Family environment

45. The Committee appreciates the State party's Law on the Guarantees of the Rights of the Child, which guarantees the right of a child to grow up in a family environment and maintain contact with parents in instances of divorce or detention. The Committee also notes that the State party's Ministry of Labour and Social Protection has 12 centres providing rehabilitation and professional orientation for persons with disabilities. However, the Committee is concerned that the vast majority of the approximately 40,000 children living in institutions are children with disabilities, which strongly indicates that there are inadequate support measures for children with disabilities to live with their families. Furthermore, the Committee remains concerned that social and other family support services in general also remain inadequate.

46. **The Committee urges the State party to make all necessary efforts to further improve the quality and availability of local family-support services including community-based services, particularly for families with children with disabilities and those in vulnerable situations.**

### Children deprived of a family environment

47. The Committee notes that the State party has legal frameworks and systems for family-based alternative care and ongoing measures seeking deinstitutionalization. However, the Committee is concerned that:

(a) Institutional care is the predominant means rather than a measure of last resort for addressing the needs of children deprived of a family environment, with the majority of children in institutional care being subject to such placement due to socio-economic hardship, divorce, abandonment, and/or lack of family support services;

(b) Decisions on placement of a child in institutional care are not based on the best interest of the child, do not take into account the child or his/her family's views and are not subject to timely periodic review;

(c) Children deprived of family care are placed in institutions and there is no system for selecting, preparing, supporting and supervising extended family care and foster care;

(d) The current alternative care systems have no monitoring or support mechanisms resulting in, inter alia, there being no individual care plans for children and reports of children in institutional care settings being subject to abuse and sexual violence;

- (e) There are inadequate measures for facilitating and maintaining continuous contact with family for children who are in institutional care;
- (f) The principle of non-separation of siblings is not being systematically applied;
- (g) The current system only provides care for children up to the age of 16 years, resulting in children older than that being left without care and support; and
- (h) There is inadequate support and aftercare services for children when they leave institutional care.

48. **In light of the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142, the Committee recommends that the State party:**

- (a) **Cease the placement of children in institutional care on socio-economic grounds and prioritize family-type care settings over institutional placements, by, inter alia, raising public awareness about the negative impact of institutionalization on a child's development;**
- (b) **Ensure that where placement in institutional care occurs it is undertaken on the basis of the best interests of the child, with full consideration of the views of the child and his/her family, and is subject to regular review as required under article 25 of the Convention;**
- (c) **Ensure that both extended family members and foster carers providing care for children are assessed and trained properly, and provided with the necessary resources and supervision;**
- (d) **Establish systematic monitoring and support mechanisms for institutional care settings, including by ensuring the consistent and Convention-compliant preparation and implementation of individual care plans for children in care and adequate and accessible complaints and investigatory mechanisms for cases of abuse and/or violence;**
- (e) **Ensure that procedures and facilities are provided for children in care to maintain contact with their families;**
- (f) **Ensure that children in institutional care are accommodated with their siblings whenever possible when this is in their best interests;**
- (g) **Revise its current system, including amending legislation, to ensure that all children under the age of 18 years are provided with adequate care, including institutional care where this is in the best interests of the child; and,**
- (h) **Allocate all necessary human, technical and financial resources to ensure that children are adequately prepared for leaving the care system and subsequently provided with sufficient follow-up support, primarily for reintegration with their families.**

**F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

49. The Committee notes as positive that the State party's Disabled Persons (Social Protection) Act, entitles persons, including children, with disabilities to financial and technical support. It also welcomes the translation of the Convention on the Rights of

Persons with Disabilities into Uzbek to raise awareness of the Convention. However, the Committee is concerned about the:

- (a) Widespread social prejudice and stigma against children with disabilities;
- (b) Lack of disaggregated data collection on children with disabilities, which hampers the development of adequate policies and programmes to promote their equal participation in society;
- (c) Lack of a legislative definition of inclusive education and the resulting inadequacy of measures to ensure that children with disabilities are provided with inclusive education in the best interests of the child;
- (d) Mainstream schools frequently being inaccessible to children with disabilities, due to, inter alia, physical barriers, a lack of trained staff, and inadequately adapted school curricula; and,
- (e) Limited accessibility of healthcare services for severe chronic diseases, necessary special support measures such as prosthetics, visual and/or audio aids, and services related to sexual and reproductive health for children and adolescents with disabilities.

**50. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

- (a) Undertake awareness-raising programmes, including campaigns, on eliminating discrimination against children with disabilities, and strengthen its enforcement mechanisms for ensuring compliance with its legislation prohibiting such discrimination;**
- (b) Establish a system for disaggregated data collection and analysis on children with disabilities to guide the development of policies and programmes to ensure the full and equal fulfilment of the rights of children with disabilities.**
- (c) Establish a clear legislative definition of disability which is in compliance with the Convention, including for learning, cognitive and mental disabilities, with the aim of accurately identifying children with disabilities in order to effectively address their needs, including for inclusive education, in a non-discriminatory manner;**
- (d) Adopt a social model approach that is in accordance with article 23 of the Convention, the Convention on the Rights of Persons with Disabilities and other international standards, addressing attitudinal and environmental barriers that hinder the full and effective participation of children with disabilities in society on an equal basis, including by adapting curricula and implementing disability-friendly building-codes, and training all professionals working with or for children with disabilities accordingly; and,**
- (e) Ensure adequate human, technical and financial resources, including disability specialists for severe and/or chronic diseases and promote and expand community-based rehabilitation programmes for children with disabilities, including parent support groups.**

#### **Health and health services**

51. While noting the State party's ongoing efforts at reforming and strengthening its health care system, the Committee is concerned that:

- (a) Although article 40 of the State party's Constitution entitles every person to qualified medical care free of charge, the collection of informal fees for consultations and

treatment is prevalent and results in the majority of persons and families in socio-economically disadvantaged situations being precluded from health services due to a lack of financial resources;

(b) There are frequent shortages of essential medicines, water, electricity, heating, equipment and hygiene materials in State health-care facilities;

(c) The quality of maternal, perinatal and early neonatal care is inadequate, resulting in high rates of newborn and maternal deaths; and,

(d) Although immunization coverage is relatively high, a substantial proportion of the vaccines included in routine vaccination programmes are dependent on donor funding, resulting in uncertainty as to their long-term sustainability.

52. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), the Committee recommends that the State party:**

**(a) Undertake further reforms for strengthening its health sector, including by ensuring adequate measures for eliminating the practice of informal fees and realizing the constitutional Right to qualified medical care free of charge for all persons;**

**(b) Ensure the allocation of adequate human, technical and financial resources in all State health-care facilities to ensure the availability of, inter alia, required medicines, utilities and hygiene materials;**

**(c) Undertake a comprehensive study on the specific causes of infant, child and maternal mortality and use its findings for implementing concrete measures to reduce and prevent such mortality; and,**

**(d) Increase the State party's allocation of human, technical and financial resources for vaccinations to ensure their long-term sustainability independent of donor funding.**

#### **Adolescent health**

53 The Committee notes as positive the measures taken by the State party for discouraging the use of narcotic drugs or psychotropic substances by children and providing children and adolescents affected by drug addiction and substance abuse with access to free medical services in treatment and preventive care establishments. However, the Committee is concerned that there continues to be an increase in alcohol and tobacco consumption among children and low awareness on the harmful effects of alcohol consumption.

54. **The Committee recommends that the State party:**

**(a) Systematically collect comprehensive information on the consumption of alcohol and tobacco among children and other substances, and use this information as the basis for designing and implementing awareness-raising on the harmful effects of all substances and take the necessary measures for the effective enforcement of the prohibition of the sale of such products to children; and,**

**(b) Promote healthy life-style education at schools and other children's institutions, including information on reproductive health and services.**

#### **HIV/AIDS**

55. The Committee notes as positive the Strategic Programme against the spread of HIV/AIDS epidemic in Uzbekistan, 2007-2011. However, the Committee remains deeply

concerned at the continued increase in the rates of HIV/AIDS and other sexually transmitted infections among children and adolescents, including infections due to mother-to-child transmission and/or inadequate hygiene in hospital settings. While noting that students can seek advice from school nurses on reproductive health, there is no mandatory and comprehensive sex education in school curricula as it is considered to be “against national values”. Furthermore, the Committee is concerned about the discrimination that children with HIV/AIDS are subject to.

**56. In the light of its general comment No. 3 (2003) on HIV/AIDS and the International Guidelines on HIV/AIDS and Human Rights, the Committee recommends that the State party:**

**(a) Establish and implement reproductive health, including information on contraception and safe sex, as part of the mandatory school syllabus for children in addition to its current education on reproductive health;**

**(b) Undertake concrete measures to provide HIV/AIDS testing for expectant mothers with the objective of preventing mother-to-child transmission of HIV/AIDS and ensure adequate equipment, hygiene materials and procedures in hospitals to prevent the transmission of HIV/AIDS; and,**

**(c) Seek technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS (UNAIDS) and the United Nations Children's Fund (UNICEF) in implementing the above recommendations.**

#### **Breastfeeding**

57. The Committee notes as positive that the majority of babies in the State party are breastfed during their first few months. However, the Committee is concerned that the rate of exclusive breastfeeding up to six months is low. Furthermore, the Committee is concerned that the State party has no law regulating the marketing of breast milk substitutes.

**58. The Committee recommends that the State party:**

**(a) Enhance its efforts to promote and support breastfeeding, particularly exclusive breastfeeding up to six months;**

**(b) Adopt the International Code of Marketing of Breast-milk Substitutes in its national legislation and establish mechanisms for the effective implementation and enforcement thereof;**

**(c) Consider extending the post-birth period of maternity leave in order to allow for exclusive breastfeeding of up to six months; and,**

**(d) Implement the Baby Friendly Hospital Initiative in all hospitals providing maternal care.**

### **G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

59. The Committee notes as positive that literacy is almost universal in the State party. However, the Committee is concerned that:

**(a) Corruption continues to negatively affect the quality of education, with grades and degrees being frequently purchased and informal fees resulting in compromised**

access to education, particularly for children in socio-economically disadvantaged situations;

(b) The quality of education in rural areas continues to be poor with a substantially lower percentage of teachers being fully qualified;

(c) A shortage of early childhood education opportunities for children and preparation for school is hindering the development of young children and the employment of mothers; and,

(d) Notwithstanding progress on the issue, the cotton industry still directly impacts the right to education for children due to the continued involvement of school teachers and children above the age of 16 years.

**60. Taking into account its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

**(a) Undertake concrete measures to specifically target corruption in the education system, including by ensuring adequate and effective reporting mechanisms and commensurate sanctions for corruption in educational institutions and eliminating all hidden and/or informal costs of school attendance;**

**(b) Take the necessary measures to improve the quality of education and provide quality training for teachers, with priority and particular emphasis on rural areas;**

**(c) Provide high quality, accessible and preferable free early childhood care and education for all children up to school age, including supporting parents to increase their parenting skills; and,**

**(d) Guarantee that labour practices related to the cotton industry do not directly or indirectly compromise children's right to education, including by ensuring that they are able to continue receiving qualified teaching with adequate teacher-to-student ratios throughout the academic year.**

**H. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Asylum-seeking and refugee children**

61. The Committee notes with appreciation the significant measures taken by the State party to improve the situation of internally displaced persons in its territory. However, the Committee is deeply concerned about the situation of asylum-seeking children. In this context, the Committee is concerned that:

(a) There have been instances where the State party has deported persons with refugee status, including entire families and those at risk of persecution and torture, for "illegal" stay without valid visa or residency permit;

(b) Persons and families resident in the State party with internationally recognized refugee status lack access to basic socio-economic rights, including public services, health care, the justice system and legal employment; and,

(c) Persons who are in a refugee situation and married to Uzbek nationals are denied marriage registration and residency permits resulting, inter alia, in violation of the rights of their children.

62. **The Committee recommends that the State party:**

(a) **Ensure that its laws and procedures fully respect the principle of non-refoulement in accordance with international refugee and human rights standards and abandon the practice of forcibly returning child refugees and asylum seekers and their families to their countries of origin where there is a risk of their being subject to torture or persecution;**

(b) **Consider extending a temporary protection regime to child refugees and their families in Uzbekistan who are unable and/or unwilling to return to their country of origin and whose third country resettlement applications have been rejected multiple times, inter alia through the provision of residence and work permits;**

(c) **Consider granting legal status and an opportunity for local integration to mandate refugees who have been married to Uzbek nationals, and whose children were born in, and are citizens of, Uzbekistan; and,**

(d) **Consider reopening the United Nations High Commissioner for Refugees (UNHCR) office in its territory and consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Children in situations of migration**

63. The Committee is concerned that there are substantial numbers of children with one or both parents employed as migrant workers in other States, subjecting them to situations of particular vulnerability and with no special protection measures.

64. **In light of its recommendations from the 2012 day of general discussion on the rights of all children in the context of international migration, the Committee recommends that the State policy ensure that its policies, programmes and measures on the protection of children from poverty and social exclusion include children affected by migration including those left behind. In doing so, the Committee recommends that the State party undertake targeted measures for strengthening the capacity of its national social protection systems to prevent and address situations of vulnerability occurring due to migration with specific provisions to support, including through community-based social services, families and caregivers in migration situations in order to facilitate their child-rearing responsibilities. These should also include special services for children in alternative care and focus on mitigating the psychosocial impacts of migration on children.**

#### **Economic exploitation, including child labour**

65. The Committee welcomes the State party's ratification of ILO Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, as well as its efforts to address the forced labour of children in the cotton industry. The Committee also appreciates that the State party's legislation is in principle compliant with international standards. However, the Committee remains gravely concerned about:

(a) The lack of mechanisms for effectively enforcing the permanent prohibition of child labour, particularly in the context of the cotton industry;

(b) The continued involvement of children above the age of 16 years in forced labour in the cotton industry; and,

(c) The lack of positive responses to the recommendation contained in the observations issued in 2011 by the ILO Committee of Experts on the Application of Conventions and Recommendations to accept a high-level tripartite mission and avail itself of ILO technical assistance.

66. **The Committee urges the State party to:**

(a) **Undertake all necessary monitoring and enforcement measures for ensuring the full compliance of its labour and employment situation with the Convention and international standards, in practice and throughout its territory, with particular emphasis on the cotton industry and any situations of informal and/or unregulated employment;**

(b) **Ensure that for children above the age of 16 involved in labour, their involvement is based on genuine free choice and subject to adequate safeguards based on the Convention and international standards;**

(c) **Implement the recommendations of the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO), accept a high-level tripartite mission and avail itself of ILO technical assistance; and,**

(d) **Consider ratifying ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.**

#### **Children in street situations**

67. The Committee is deeply concerned about the increase in numbers of children living and working on the streets and about the lack of data on this issue and insufficient measures for addressing the situation of children in street situations, who are subjected to the worst forms of exploitation, including begging in the street, extreme marginalization, homelessness and are at risk of becoming victims of trafficking and sexual exploitation.

68. **The Committee recommends that the State party, in cooperation with national and international non-governmental organizations and children themselves:**

(a) **Develop measures for the protection, assistance and recovery of children living in street situations and to ensure their access to education and health services, with due regard for the views of these children;**

(b) **Improve support and assistance available to families, both as a preventive measure and a measure conducive to the return of children to their families, as appropriate; and,**

(c) **Establish programmes and reporting mechanisms providing children in street situations with relevant information in order to prevent them from becoming victims of trafficking and economic and sexual exploitation and to assist and advise them.**

#### **Administration of juvenile justice**

69. The Committee welcomes the State party's efforts at increasing the number of judges trained in juvenile justice and on the Convention. However, the Committee is concerned that:

(a) The State party continues to have no holistic juvenile justice system and its laws on juvenile justice are fragmented;

(b) Children in conflict with the law are not provided with timely and adequate legal aid;

(c) There are reports of children in conflict with the law being subject to torture during interrogations and detention;

(d) There are inadequate measures for ensuring that children in conflict with the law, particularly girls, are detained in separate facilities from adult detainees;

(e) There are inadequate alternative measures to detention and no regular reviews of such detention with a view to assessing the need for its continuation; and

(f) Children deprived of their liberty do not have adequate access to education and health services.

70. **The Committee urges the State party to bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:**

(a) **Establish a juvenile justice system, including juvenile courts, on the basis of a comprehensive legal framework for a juvenile justice system, as well as diversion measures to prevent children in conflict with the law from entering the formal justice system and to develop more alternatives such as community service and mediation between the victim and offender in order to avoid stigmatization and for their effective rehabilitation and social reintegration;**

(b) **Ensure the provision of qualified and impartial legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(c) **Ensure the proper and timely investigation of all cases of alleged mistreatment and subject perpetrators of such mistreatment to commensurate sanctions;**

(d) **Promote alternative measures to detention, such as diversion, probation, mediation, counselling, community service or suspended sentences, wherever possible and ensure that detention is a measure of last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to its withdrawal;**

(e) **Ensure that children are not, including in relation to police custody, detained together with adults and that in instances where detention is unavoidable ensure that the conditions for this are compliant with international standards; and**

(f) **Ensure that all children deprived of their liberty have effective access to education and health services.**

71. **In doing so, the Committee recommends that the State party utilize the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, Office of the High Commissioner for Human Rights (OHCHR) and non-governmental organizations (NGOs), and seek technical assistance in the area of juvenile justice from members of the Panel.**

**I. Ratification of international human rights instruments**

72. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights treaties to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention for the Protection of All Persons from Enforced Disappearances and the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families.

**J. Follow-up and dissemination**

73. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the President, relevant Government ministries, the Parliament, the Constitutional Court, and to regional and local authorities, for appropriate consideration and further action.

74. The Committee further recommends that the combined third and fourth periodic reports and the written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

**K. Next report**

75. The Committee invites the State party to submit its fifth periodic report by 28 January 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In accordance with General Assembly resolution 67/167 of 20 December 2012, in the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.

76. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).